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October 6, 2023

**VIA ECF**

Honorable Valerie E. Caproni, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 240  
New York, NY 10007

USDC SDNY  
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Re: *Miguel Pena v. 9-15 Post Holding, LLC, et al.*,  
Case No. 1:23-cv-06629 (VEC)

Dear Judge Caproni:

My office represents defendants/cross-defendants Barberry Rose Management, Inc. ("Barberry Rose") and 9-15 Post Holdings, LLC ("9-15 Post" and, together with Barberry Rose, the "Cross-Defendants") in the above-referenced action. Pursuant to Sections 2.A and 2.C of Your Honor's Individual Practices in Civil Cases, I write to respectfully request, on consent, a one-week extension of time for the Cross-Defendants to answer the cross-claim raised in defendant/cross-claimant Elio&Sons2 LLC's ("Elio&Sons2") Answer, filed September 12, 2023, *nunc pro tunc*, through Friday, October 13, 2023.


Based on the date of filing of Elio&Sons2's Answer, the Cross-Defendants were due to serve a response to the cross-claim on or before Tuesday, October 3. *See* Dkt. 14. This is the first request by the Cross-Defendants for an extension relative to this deadline.

Through my own oversight, I failed to appreciate at the time of the Answer's filing that a cross-claim had been asserted. I seek the Court's leave to correct this error. I have conferred with counsel for Elio&Sons2, who consents to this application. If granted, no other scheduled deadlines or appearances will be affected by this request.

I thank the Court for its consideration of this request.

Respectfully Submitted,

CLIFTON BUDD & DeMARIA, LLP  
*Attorneys for the Cross-Defendants*

By:   
Stephen P. Pischl | Partner

**CLIFTON BUDD & DEMARIA, LLP**

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cc: VIA ECF  
THE LAW OFFICES OF WAYNE KREGER  
*Attorneys for Elio&Sons2*

ABDUL HASSAN LAW GROUP PLLC  
*Attorneys for the Plaintiff*

Application GRANTED. Cross-Defendants' deadline to respond to the cross-claim is **October 13, 2023**.

SO ORDERED.



October 10, 2023

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE